

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

APP INVESTMENT OPPORTUNITY LLC,

Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

15-Civ-06666 (AT)

**U.S. BANK NATIONAL  
ASSOCIATION'S LOCAL  
RULE 56.1 STATEMENT**

Defendant U.S. Bank National Association, solely in its capacity as successor trustee (the “Trustee”) under the Indenture dated September 18, 1995 (the “Indenture”) among APP International Finance Company, B.V., as issuer (the “Issuer”), and Asia Pulp & Paper Ltd. and P.T. Lontar Pulp & Paper Industry, as guarantors (the “Guarantors”), respectfully submits this statement of material facts as to which there is no genuine issue to be tried, pursuant to Local Civil Rule 56.1 of the United States District Courts for the Southern and Eastern Districts of New York, in response to the motion for summary judgment filed by Plaintiff APP Investment Opportunity LLC (“Plaintiff”).<sup>1</sup>

1. The Trustee has not received a request by the Issuer or the Guarantors to sign any supplemental indenture purporting to amend the terms of the Indenture (a “Supplemental Indenture”) or a request to otherwise implement the proposed amendments that are the subject of Plaintiff’s Complaint. *See* Declaration of Timothy Sandell dated Jan. 19, 2016 (“Sandell Decl.”), ¶ 3.

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<sup>1</sup> Except as otherwise defined herein, all capitalized terms have the definitions attributed to them in the Complaint.

2. The Trustee has not received a copy of any proposed Supplemental Indenture. *See* Sandell Decl. ¶ 4.

3. The Trustee has not received evidence that the requisite number of Noteholders as set forth in Section 7.2 of the Indenture have consented to the execution of any proposed Supplemental Indenture. *See* Sandell Decl. ¶ 5.

4. The Trustee does not intend to breach the terms of the Indenture or the applicable provisions of the Trust Indenture Act of 1939, 15 U.S.C. §§ 77aaa-77bbbb. *See* Sandell Decl. ¶ 6.

New York, New York  
January 20, 2016

SEWARD & KISSEL LLP

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